

Rec'd PCT/PTO 14 JUN 2005

10/506594

Docket No.  
34761/US/2**Declaration For Patent Application****English Language Declaration**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SEALED IMPELLER FOR PRODUCING METAL FOAM AND SYSTEM AND METHOD THEREFOR**

the specification of which

(check one)

is attached hereto.

was filed on September 3, 2004 as United States Application No. or PCT International Application Number 10/506,594

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior applications and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)****Priority Not Claimed**

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

10/506594

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(Application Serial No.)

(Filing Date)

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(Application Serial No.)

(Filing Date)

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(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

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PCT/CA03/00292

March 3, 2003

Pending

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

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(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

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(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor <u>Scott Nichol</u>	Date
Sole or first inventor's signature <i>Scott Nichol</i>	<i>Oct 13/04</i>
Residence <u>Etobicoke, Ontario, Canada</u>	
Citizenship <u>Canada</u>	
Post Office Address <u>2 Elma Street, Etobicoke, Ontario, M8V 1X8, Canada</u>	

Full name of second inventor, if any <u>Richard G. Manley</u>	Date
Second inventor's signature <i>Richard G. Manley</i>	<i>Oct. 13/04</i>
Residence <u>Brampton, Ontario, Canada</u>	
Citizenship <u>Canada</u>	
Post Office Address <u>5 Golden Gate Drive, Brampton, Ontario, L6S 2K5, Canada</u>	

Full name of third inventor, if any	
Third inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

PATENT  
Attorney Docket No. 34761/US/2  
Express Mail Label No. EV 423773993 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In Re the Application of:

Applicant	: Nichol et al.	
Appln. No.	: 10/506,594	Confirmation No: 1396
Filed	: September 3, 2004	Group Art Unit: Not Yet Assigned
Title	: SEALED IMPELLER FOR PRODUCING METAL FOAM AND SYSTEM AND METHOD THEREFOR	Examiner: Not Yet Assigned

**COMBINED POWER OF ATTORNEY BY ASSIGNEE  
AND SUBMISSION UNDER 37 C.F.R. §§ 3.71 and 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As an officer of Cymat Corp. ("assignee"), a Canadian Corporation, I hereby certify that the undersigned is a representative authorized and empowered to sign on behalf of the assignee, and that to the best of assignee's knowledge and belief it is the assignee of the entire right, title and interest in and to the above-referenced patent application by virtue of either:

A.  An assignment from the inventor(s) of the patent application identified above,  
 1. a copy of which is attached; or  
 2. which is recorded in the U.S. Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, a copy of which is attached.

OR

B.  A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

Assignee hereby appoints on its behalf the following patent attorneys to prosecute the patent application identified above and to transact all business in the Patent Office connected therewith:

Dorsey & Whitney LLP  
USPTO Customer No. 20686

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventors.

Send all correspondence relating to this matter to:

Dorsey & Whitney LLP  
USPTO Customer No. 20686

Direct all telephone calls to **Gary M. Polumbus** at (303) 628-1500.

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 13 day of October, 2004.

ASSIGNEE:

Cymat Corp.

By PAUL TICHAUER  
Name: PAUL TICHAUER  
Title: CEO  
Address: 6320-2 Danville Road  
Mississauga, Ontario L5T 2L7  
CANADA

*Assignment - World - invention*

## ASSIGNMENT

WHEREAS,

**NICHOL, Scott and MANLEY, Richard G.**

hereinafter referred to as Assignor, whose full post office addresses re,

**2 Elma Street, Etobicoke, Ontario, M8V 1X8, Canada and**

**5 Golden Gate Drive, Brampton, Ontario, L6S 2K5, Canada**

has made an invention relating to and entitled:

### **SEALED IMPELLER FOR PRODUCING FOAM AND SYSTEM AND METHOD THEREFOR**

hereinafter referred to as The Invention, as fully set forth and described in the following Application(s) for Letters Patent:

<u>Country</u>	<u>Serial Number</u>	<u>Filing Date</u>
U.S.A.	60/361,281	March 4, 2002

hereinafter referred to as The Application(s);

AND WHEREAS,

**CYMAT CORP.**

hereinafter referred to as Assignee, whose full post office address is

**6320-2 Danville Road, Mississauga, Ontario, L5T 2L7, Canada**

desires to acquire Assignor's entire right, title and interest in and to The Invention;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee, its successors, assigns, or legal representatives, its entire right, title and interest for Canada, the United States and all other countries throughout the World in and to The Invention, together with its entire right, title and interest in and to The Applications and any and all Letters Patent that may issue for The Invention, including any and all divisions, reissues, continuations and extensions, to the full end of the term for which each said Letters Patent may be granted, and including the right to claim priority, based on The Application(s), under the terms of any international Convention, the same to be held and enjoyed as fully and completely as the same would have been held and enjoyed by Assignor had this Assignment not been made;

AND ASSIGNOR, on behalf of itself and its executors and administrators, does hereby covenant and agree to do all such lawful acts and things and to execute without further consideration such further lawful assignments, documents, assurances, applications and other instruments as may reasonably be

required by said Assignee, its successors, assigns, or legal representatives, to obtain any and all Letters Patent for The Invention and vest the same in said Assignee, its successors, assigns, or legal representatives.

AND ASSIGNOR, on behalf of itself and its executors and administrators, does hereby authorize said Assignee, its successors, assigns, or legal representatives, including its Patent Agents, Orange & Chari, to amend the present assignment to insert any missing filing date, serial number or other identifying information of the Application when such information becomes available.

DATED this 28<sup>th</sup> day of November, 2002.

Witnessed By:

Signature: J. A. Ruby  
Name: J. A. Ruby

By: Scott Nichol  
Name: Scott Nichol

Witnessed By:

Signature: J. A. Ruby  
Name: J. A. Ruby

By: Richard G. Manley  
Name: Richard G. Manley